

## REMARKS

Claim 1 calls for forming a non-switching ovonic material and a phase change material. The cited reference teaches using at least two phase change materials. While the Examiner may believe that one of those materials happens not to switch phases, the material of the element 65 is a switching ovonic material. It appears to be the same material used in the element 75.

For example, at column 4, lines 59-65, there is no discussion of using any different material for the elements 65 and 75. Similarly, column 5, lines 20-24, does not distinguish the materials that are utilized. Similarly, claim 1 suggests the same materials are used.

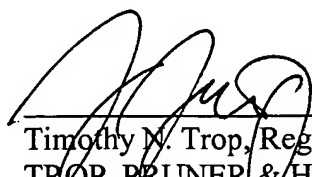
There is nothing in the principle of operation for Reinberg that would suggest using different materials. Reinberg's whole aim, explained in the background, is to physically separate the upper and lower layers to avoid mixing of chalcogenide materials.

The claim calls for forming different ovonic materials, not separate layers of the same material. One claimed element is forming a non-switching ovonic material. Non-switching means does not change resistance due to change of phase or high yield switching. See specification at page 3, lines 12-17. Non-switching and ovonic define the type of material. The other material is called a phase change material which also defines the material because it is stated that that material changes phase between more conductive and less conductive states. Therefore, there is one material that can switch phase and the other material that, by virtue of its nature, does not switch phase.

Therefore, reconsideration is respectfully requested.

Respectfully submitted,

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